THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE D.APPA RAO

WRIT APPEAL NO.653 of 2002

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7th March 2006

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 12.02.2002 in W.P.M.P.No.3099 of 2002 in W.P.No.2590 of 2002 on the file of the High Court.)

Between:

M/s.Harji Engineering Works Pvt. Ltd., rep.by its Managing Director,Sri Gian Singh, S/o.Kishan Singh, 56 years, 7, Aravali Shopping Office Complex,Alakananda, New Delhi – 19.

...APPELLANT

AND

1. Chandrika Mahato, S/o.Janki Mahato,42 years, C/o.Visakhapatnam Mazdoor Workers Union, Camp No.10, Near NPCC Colony, APPikonda, Visakhapatnam Steel Project, Visakhapatnam-31

And three others.

...RESPONDENTS

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE D.APPA RAO

WRIT APPEAL NO.653 of 2002

JUDGMENT: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard both the sides.

At their request, the Writ Appeal itself is taken up for disposal at the admission stage.

This appeal is at the instance of the management assailing the interim order dated 12.02.2002 in W.P.M.P.No.3099 of 2002 in W.P.No.2590 of 2002 wherein, in a challenge made against the award dated 24.09.2001 in I.D.No.304 of 1989 on the file of the second respondent, this Court granted interim suspension subject to the condition of the petitioner depositing entire amount of back wages awarded by the Labour Court and further to comply with the mandatory provisions contained in Section 17-B of the Industrial Disputes Act, 1947 ('the Act' for brevity).

While admitting this appeal on 23.04.2002, this Court initially granted stay of the

order of the learned Single Judge.

Having heard the learned counsel on either side and on perusal of the material available on record, it is seen that this appeal is filed only at interlocutory stage and there is no need to go into merits. It would suffice the interest of justice to direct the petitioner to comply with the mandatory provisions contained in Section 17-B of the Act.

Accordingly, the Writ Appeal is disposed of modifying the interim order of the learned Single Judge that the interim suspension will be subject to the condition that the petitioner complies with the mandatory provisions contained in Section 17-B of the Act. The order with regard to depositing the entire amount of back wages stands vacated. No costs.

Office is directed to expedite the hearing of the Writ Petition No.2590 of 2002.

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(B.PRAKASH RAO, J)

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(D.APPA RAO, J)

7th March 2006

RRB

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